

REMARKS/ARGUMENTS

Claims 27-69 are pending. By this Amendment, claims 27, 28, 31, 33, 45, 60-64 and 66 are amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicants appreciate the courtesies extended by Examiner Patel to the undersigned representative during a personal interview conducted on June 30, 2004. During the interview, it was tentatively agreed, pending a further search and consideration of the official Amendment, that claim 27 patentably distinguishes over Lundberg since Lundberg does not teach or suggest a mask-fit test pressure as recited in claim 27. In addition, the Examiner agreed to reconsider the rejoinder of some of the claims which were previously subject to a restriction requirement.

Claims 27 and 57-62, 64-66 and 69 were rejected under 35 U.S.C. §102(e) over Lundberg. This rejection is respectfully traversed as Lundberg does not teach or suggest a mask-fit test pressure, much less a mask-fit test pressure that is adaptively dependent on a prior pressure treatment session of the wearer. During the personal interview conducted on June 30, 2004, Examiner Patel tentatively agreed that the amendment to claim 27 patentably distinguishes over Lundberg.

In addition, claim 60 has been reformulated into independent form and is respectfully submitted as patentable as Lundberg does not teach a CPAP device having two functional modes. Lundberg teaches the use of a second pressure regulator 5, such as the type used for diving or fire fighting, in which the pressure regulator 5 is closed prior to putting on the mask 6 and is opened by the sub-pressure that is generated when the wearer first inhales. See column 2,

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lines 60-63. Accordingly, Lundberg does not teach or suggest that the method is practiced with a CPAP device, i.e., a continuous positive airway pressure device.

Reconsideration and withdrawal of the rejection are respectfully requested.


In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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